

to entry and settlement. The Court held that since the land was no longer used for military purposes, the State may rightfully exercise political and governmental jurisdiction over same.<sup>8</sup>

**58. When State cession statute broad enough to include any Federal use.**—In the Fort Totten case next above cited, Federal jurisdiction was lost because the lands were put to a use not authorized by the State statute ceding jurisdiction to the United States. However, as pointed out in a former chapter, the language of many State cession statutes is broad enough to confer jurisdiction for numerous Government uses or for any purpose of the Government. In such a case, it is not believed that jurisdiction would be lost if the land ceases to be used for the purpose for which it was originally acquired, but is nevertheless devoted to some other purpose falling within the purview of the State's grant. No case has been found to indicate that Federal jurisdiction would be lost in such a situation.

**59. Character of Federal use determined by political department of Government.**—The courts will not inquire whether land of the Government is being put to a use other than that for which its acquisition was authorized. In a case involving a murder committed within the Fort Leavenworth Reservation, it was urged by appellant's counsel that the United States District Court possessed jurisdiction only over so much of Leavenworth Reservation as was actually used for military purposes. In overruling this contention the Court said, "In matters of that kind the courts follow the action of the political department of the Government. The entire tract has been legally reserved for military purposes. The character and purposes of its occupation having been officially and legally established by that branch of the Government which has control over such matters, it is not open to the courts, on a question of jurisdiction, to inquire, what may be the actual uses to which any portion of the reserve is temporarily put."<sup>9</sup> The same rule has been followed in other Federal and State cases.<sup>10</sup>

**60. Congress may retrocede jurisdiction to State.**—Jurisdiction acquired from a State may be retroceded to the State by act of Congress. The State of Indiana ceded jurisdiction to the United States over certain lands upon which was established a national soldiers' home. Congress later retroceded this jurisdiction to the State. The right of Congress to surrender jurisdiction thus acquired was challenged on the ground that the right to acquire jurisdiction did not include the power to relinquish jurisdiction. In rejecting this theory, the Indiana Court said, "The power of Congress to receive jurisdiction not required by the Govern-

<sup>8</sup> *La Duke v. Melin*, 177 N. W. (N. D.) 673.

<sup>9</sup> *Benson v. United States*, 146 U. S. 325, 331, 13 S. Ct. 60.

<sup>10</sup> *Steele v. Halligan*, 229 Fed. 1011; *United States v. Holt*, 168 Fed. 141. See also *Commonwealth v. King*, 252 Ky. 699; 68 S. W. (2) 45; *State v. Bruce*, 69 P. (2) 97, 106.